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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,056	05/29/2001	Douglas LaVell Hale	2109P	5724

7590 12/02/2004
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EXAMINER

NALVEN, ANDREW L

ART UNIT PAPER NUMBER

2134

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,056

Applicant(s)

HALE ET AL.

Examiner

Andrew L Nalven

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-21 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-16, and 18-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Chtchetkine et al US Patent No. 6,356,915. Chtchetkine discloses an installable file system having virtual file system drives, device drivers, and virtual disks.
4. With regards to claims 1 and 16, Chtchetkine teaches the receiving of a request to access a virtual volume with a virtual name (Chtchetkine, column 16 line 66 – column 17 line 5, virtual file, column 17 lines 15-19), mapping the virtual name to the real object (Chtchetkine, column 17 lines 20-30, appropriate prototype on the native disk), and providing the real object (Chtchetkine, column 17 line 60 – column 18 line 9).

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5. With regards to claims 3 and 18, Chtchetkine teaches the determining that a virtual path in the virtual name points to a virtual object in the virtual volume (Chtchetkine, column 17 lines 12-20) and determining that the virtual object points to a real object (Chtchetkine, column 17 lines 27-32, determines if file is missing).

6. With regards to claims 4 and 19, Chtchetkine teaches the determining that a virtual path in the virtual name points to a virtual object in the virtual volume (Chtchetkine, column 17 lines 12-20), determining that the virtual object points to a real directory (Chtchetkine, column 19 lines 12-18 and 33-41), and determining that a real subpath in the virtual name points to the real object (Chtchetkine, column 17 lines 16-25, last path element of the pathname).

7. With regards to claims 5 and 20, Chtchetkine teaches the determining that a virtual path in the virtual name points to a virtual directory in the virtual volume (Chtchetkine, column 19 lines 19-25), determining that a virtual subpath in the virtual name points to a virtual object under the virtual directory (Chtchetkine, column 17 lines 12-20), and determining that the virtual object points to the real object (Chtchetkine, column 17 lines 27-32).

8. With regards to claims 6 and 21, Chtchetkine teaches the determining that a virtual path in the virtual name points to a virtual directory in the virtual volume (Chtchetkine, column 19 lines 19-25), determining that a virtual subpath in the virtual name points to a virtual object under the virtual directory (Chtchetkine, column 17 lines 12-20), determining that the virtual object points to a real directory (Chtchetkine, column 19 lines 33-41, search list of virtual folders for match), and determining that a real

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subpath in the virtual name points to the real object under the directory (Chtchetkine, column 17 lines 12-20).

9. With regards to claims 7, 12, and 22, Chtchetkine teaches the receiving of a request to access a virtual volume with a virtual name wherein the virtual name comprises a virtual path (Chtchetkine, column 16 line 66 – column 17 line 5, virtual file, column 17 lines 15-19, pathname), determining that the virtual path points to a virtual object in the virtual volume (Chtchetkine, column 17 lines 12-20), determining that the virtual object points to the real object (Chtchetkine, column 17 lines 27-32, determines if file is missing), and providing the real object (Chtchetkine, column 17 line 60 – column 18 line 9).

10. With regards to claims 8, 13 and 23, Chtchetkine teaches the receiving of a request to access a virtual volume with a virtual name wherein the virtual name comprises a virtual path and a real subpath (Chtchetkine, column 16 line 66 – column 17 line 5, virtual file, column 17 lines 15-19, pathname), determining that the virtual path points to a virtual object in the virtual volume (Chtchetkine, column 17 lines 12-20), determining that the virtual object points to a real directory (Chtchetkine, column 19 lines 33-41, search list of virtual folders for match), determining that a real subpath in the virtual name points to the real object under the directory (Chtchetkine, column 17 lines 12-20), and providing the real object (Chtchetkine, column 17 line 60 – column 18 line 9).

11. With regards to claims 9, 14 and 24, Chtchetkine teaches the receiving of a request to access a virtual volume with a virtual name wherein the virtual name

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comprises a virtual path and a virtual subpath (Chtchetkine, column 16 line 66 – column 17 line 5, virtual file, column 17 lines 15-19, pathname), determining that a virtual path in the virtual name points to a virtual directory in the virtual volume (Chtchetkine, column 19 lines 19-25), determining that a virtual subpath in the virtual name points to a virtual object in the virtual volume (Chtchetkine, column 17 lines 12-20), determining that the virtual object points to the real object (Chtchetkine, column 17 lines 27-32), and providing the real object (Chtchetkine, column 17 line 60 – column 18 line 9).

12. With regards to claims 10, 15 and 25, Chtchetkine teaches the receiving of a request to access a virtual volume with a virtual name wherein the virtual name comprises a virtual path, a virtual subpath, and a real subpath (Chtchetkine, column 16 line 66 – column 17 line 5, column 17 lines 15-19, column 17 lines 49-59, virtual path and real subpath as FileName, pathname as virtual path), the determining that a virtual path points to a virtual directory in the virtual volume (Chtchetkine, column 19 lines 19-25), determining that a virtual subpath points to a virtual object in the virtual volume (Chtchetkine, column 17 lines 12-20), determining that the virtual object points to a real directory (Chtchetkine, column 19 lines 33-41, search list of virtual folders for match), determining that a real subpath in the virtual name points to the real object under the directory (Chtchetkine, column 17 lines 12-20), and providing the real object (Chtchetkine, column 17 line 60 – column 18 line 9).

13. With regards to claim 11, Chtchetkine teaches a virtual volume comprising a virtual object (Chtchetkine, column 12 lines 20-28), a real volume comprising a real object (Chtchetkine, column 12 lines 45-57, native file system), and a virtual name

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wherein the virtual name is used to access the virtual object wherein the virtual object is mapped to a real object (Chtchetkine, column 12 lines 28-44).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chtchetkine et al US Patent No. 6,356,915 in view of Luckenbaugh US Patent No. 5,991,877.

16. With regards to claims 2 and 17, Chtchetkine fails to teach the authenticating of a subject and the determining that the subject has a right to access the virtual volume. Luckenbaugh teaches the authenticating of a subject (Luckenbaugh, column 8 lines 21-64) and the determining that the subject has a right to access the virtual volume (Luckenbaugh, column 10 lines 12-30). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Luckenbaugh's method of authenticating and controlling access with Chtchetkine's virtual file system because it offers the advantage of providing fine grained labeling and access control in a manner compatible with virtual partitioning of storage (Luckenbaugh, column 4 lines 50-54).

Conclusion

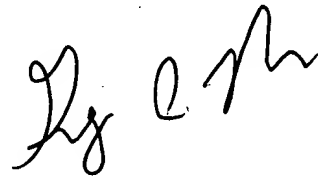
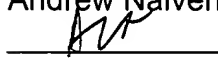
17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
18. Janis US Patent No. 5,263,157 discloses a method for providing user access control within a distributed data processing system by the exchange of access control profiles.
19. Kuhn US Patent No. 6,023,765 discloses an implementation of role based access control in multi-level secure systems.
20. Barkley et al US Patent No. 6,202,066 discloses an implementation of role based permission associated using object access types.
21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven



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